

Resolution No.: 15-1098

Introduced: July 26, 2005

Adopted: July 26, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: DPWT Docket No. AB666
Abandonment - Portion Of A 20-Foot Wide Alley
Wheaton Forest Subdivision, Wheaton, Maryland

Background

1. By letter dated July 9, 2004, from Lerch, Early & Brewer, on behalf of its client, a partnership of the Housing Opportunities Commission, Washington Metropolitan Area Transit Authority, and Bozzuto Development Company, the Applicant, application to the County was made to abandon a portion a 20-foot wide alley in the Wheaton Forest subdivision in Wheaton. The subject area is described on the attached metes and bounds description and drawing prepared by VIK-A.
2. A Public Hearing to consider the abandonment proposal was conducted on December 8, 2004, by the Designee of the County Executive.
3. The Police Department had no objection.
4. Washington Suburban Sanitary Commission had no objection.
5. Washington Gas had no objection.
6. PEPCO conditioned approval upon the applicant granting an easement for its facilities or paying to relocate its facilities and granting an easement.
7. Verizon had no objection.
8. Maryland-National Capital Park and Planning Commission did not respond within the sixty days period, which was extended by the hearing officer, and therefore, its concurrence is assumed.

9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area.
10. The Department of Fire and Rescue Services had no objection.
11. The County Executive recommends approval of the proposed abandonment.

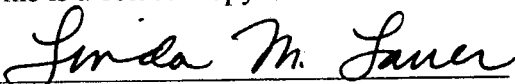
ACTION

The County Council for Montgomery County, Maryland, finds that the portion of a 20-foot wide alley in the Wheaton Forest subdivision described on the attached description by VIKa is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place, as well as proposed facilities, for purposes of repair and maintenance.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.
4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

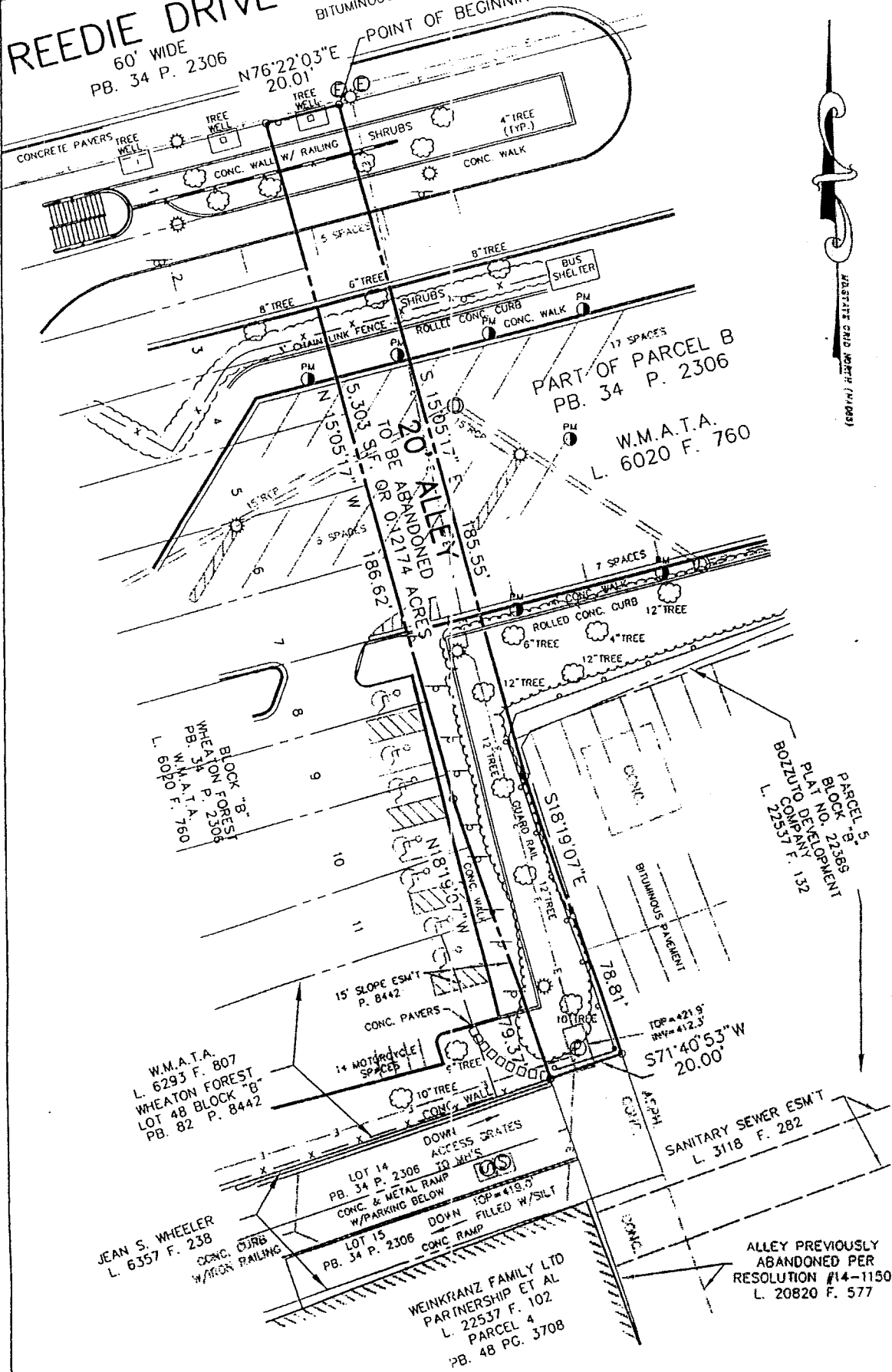
Attachment – Description

This is a correct copy of Council Action.


Linda M. Lauer, Clerk of the Council

REEDIE DRIVE
60' WIDE
PB. 34 P. 2306

BITUMINOUS PAVEMENT
POINT OF BEGINNING



SKETCH SHOWING
20' ALLEY TO BE ABANDONED
WHEATON (13TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=30'
DATE: MARCH 22, 2004
REVISED: FEB. 28, 2005

VKA
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